

REMARKS

The allowance of Claims 1-12, 15 and 20-23 is gratefully acknowledged. Reasons for the allowance of these claims were presented in the Appeal Decision.

The Examiner has pointed out that Claim 16 was missing a phrase due to an error in transcription of the claim. The missing phrase has been corrected as per the Examiner's direction.

Claims 13 and 17-19 were rejected under 35 U.S.C. §102(b) and §103(a) in view of various combinations of US Pat. 5,490,862 and 5,207,219 to Adams and US 5,792,205 to Alt et al. Claim 13 describes a method comprising receiving a cardiac signal from a patient; determining from the signal with a portable external analyzer whether the patient is experiencing atrial fibrillation; receiving a shock command from an operator; and shocking the patient with a portable shock generator in response to the shock command if the patient is experiencing atrial fibrillation. An embodiment of Claim 13 allows the patient to control the treatment of atrial fibrillation determined by the external analyzer. The Adams and Alt et al. patents all show the use of internal, implantable defibrillators to detect atrial fibrillation, not external analyzers. As mentioned on pages 2-3 of the present specification which describes such implantable defibrillators, these devices expose the patient to the surgery-related complications and discomfort inherent in the implantation procedure. Consequently it is respectfully submitted that Claim 13 and its dependent Claims 18 and 19 are patentable over any combination of these patents.

Claim 17 describes a method comprising receiving a cardiac signal from a patient; determining from the signal whether the patient is experiencing atrial fibrillation; shocking the patient with a portable shock generator external to the patient if the patient is experiencing atrial fibrillation; and wherein the determining comprises determining the patient's heart rate and determining that the patient is not in atrial fibrillation if the heart rate is outside of a predetermined range. In the Adams and Alt et al. patents the patient is shocked with an implanted shock generator which thereby exposes the patient to the hazards of the implantation procedure and to repeated procedures if the

battery used for the shock generator becomes depleted, a considerable concern for atrial defibrillators. The practice of the claimed method with its use of an external shock generator overcomes these problems. Consequently it is respectfully submitted that Claim 17 is patentable over the cited patents.

Claim 14 was objected to as depending from a rejected base claim but would be allowable if rewritten in independent form. Accordingly Claim 14 has been rewritten in independent form and should now be allowable.

In view of the foregoing amendment and remarks it is respectfully submitted that Claims 13 and 17-19 are patentable over the Adams and Alt et al. patents. It is further respectfully submitted that Claims 14 and 16 are now in allowable form. Accordingly it is respectfully requested that the rejection of Claims 13 and 17-19 under 35 U.S.C. §102(b) and §103(a) be withdrawn.

In light of the foregoing amendment and remarks, it is respectfully submitted that this application is now in condition for allowance. Favorable reconsideration is respectfully requested.

Respectfully submitted,

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